IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

Bail Appl..No. 4082 of 2007()

CRIME NO.163/2007 OF KATTOOR POLICE STATION

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PETITIONERS

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1. SHINE, S/O.SIVARAMAN KARUVETH HOUSE,
   GANDHI NAGAR, KATTOR VILLAGE, MUKUNDAPURAM TALUK.

2. SHANIL, S/O.SIVARAMAN, DO- DO- DO-

3. SIVARAMAN, S/O.KARUVATH SANKARAN,
   DO- DO- DO.

4. RAJESWARI, W/O.SIVARAMAN, DO- DO-

5. NEENA D/O.KARUVATH SANKARAN, DO- DO-

BY ADV. SRI.T.N.MANOJ

RESPONDENTS:

THE SUB INSPECTOR OF POLICE, KATTOOR
POLICE STATION.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.4082 of 2007

Dated this the 6th day of July 2007

O R D E R

Application for anticipatory bail. The petitioners are the husband and relatives of the husband of the defacto complainant. The first petitioner and the defacto complainant belong to different religions. They were allegedly in love. There was an allegation that the first petitioner had committed rape on the defacto complainant. Thereafter, apprehending that a criminal case would be filed against him, it is alleged that the parties had entered matrimony. The marriage had taken place in March 2007. The relationship soured immediately thereafter and the present complaint has been filed on 11/6/2007 alleging matrimonial cruelty of the culpable variety against the defacto complainant.

2. The learned counsel for the petitioners submits that the allegations are totally false and unsustainable. It is true that there is some disagreement in the marriage and that it is alleged has prompted the defacto complainant to make fanciful and exaggerated allegations against the petitioners. The learned counsel relies on the circumstance that Annexure A application has been filed by the defacto complainant claiming dissolution of marriage as early as on 23/4/2007. The allegations are being raised presently to compel the

petitioners to yield to the terms dictated by the defacto complainant, it is contended.

3. Notice was given. The learned Public Prosecutor does not oppose the application for anticipatory bail so far as petitioners 2 to 5 are concerned. But the learned Public Prosecutor submits that the State is obliged to oppose the application for anticipatory bail filed by the first petitioner in the peculiar facts and circumstances of this case.

4. Having considered all the relevant inputs, I am satisfied that directions under Section 438 Cr.P.C can be issued in favour of the petitioners. It is not necessary for me to embark on detailed discussion on the acceptability of the rival contentions or the credibility of the data collected. Subject to appropriate conditions, I am satisfied that anticipatory bail can be granted to all the petitioners.

5. In the result, this petition is allowed. The following directions are issued under Section 438 Cr.P.C.

i) Petitioners shall appear before the learned Magistrate having jurisdiction at 11 a.m on 13/07/2007.

ii) They shall be released on regular bail on condition that they execute bonds for Rs.25,000/-(Rupees twenty five thousand only)

each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 3 p.m on 14/07/2007, 15/07/2007 and 16/07/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of two months. Subsequently the petitioners shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(v) If they were arrested prior to 13/07/2007, they shall be released on bail on their executing bonds for Rs.25,000/- (Rupees twenty five thousand only) each without any sureties, undertaking to appear before the learned Magistrate on 13/07/2007.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007